

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PHILLIP JOSEPH JOHNSON,

Plaintiff,

v.

TRINH, *et al.*,

Defendants.

No. 1:23-cv-00241-JLT-BAM (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION FOR FAILURE TO STATE A
CLAIM**

(Doc. 35)

The assigned Magistrate Judge screened the second amended complaint and issued findings and recommendations that this action be dismissed for failure to state a cognizable claim upon which relief may be granted. (Doc. 35.) Plaintiff filed objections. (Doc. 36.)

In his objections, Plaintiff reiterates many of the same factual allegations that were found insufficient to state a cognizable claim in the findings and recommendations in an attempt to clarify the timeline of events. However, the allegations presented in Plaintiff's objections do not cure the deficiencies identified by the Magistrate Judge's findings and recommendations, and Plaintiff has not demonstrated that further leave to amend would be warranted.

According to 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including Plaintiff's objections, the Court finds the findings and recommendations to be supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 1 1. The findings and recommendations issued on July 20, 2023, (Doc. 35), are adopted in
- 2 full.
- 3 2. This action is dismissed, with prejudice, for failure to state a cognizable claim upon
- 4 which relief may be granted; and
- 5 3. The Clerk of the Court is directed to close this case.

6
7 IT IS SO ORDERED.

8 Dated: **September 29, 2023**


UNITED STATES DISTRICT JUDGE